



E

4/36

.C872



10-27 385-10
E434
C87.2

SPEECH

OF

HON. S. S. COX, OF OHIO,

IN REPLY TO

HON. THOMAS CORWIN,

ON THE

ELECTION OF SPEAKER.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, DECEMBER 8, 1859.



WASHINGTON:

PRINTED BY LEMUEL TOWERS.

1859.

0105 10 200 2.8.

E436
.C872

0105 10 200 2.8.

0105 10 200 2.8.

0105 10 200 2.8.



SPEECH.

Mr. CORWIN having addressed the House at some length in favor of Mr. SHERMAN, the Republican candidate for Speaker, Mr. COX having obtained the floor, said—

MR. CLERK: I wish that some other member from Ohio would answer the very facetious and sophistical argument of my colleague from the district near my own, (Mr. CORWIN.) I do not think, sir, that he differs so much from the Democratic party, as perhaps his position here might lead us to believe. But I do not believe that the masses of the Republican party in the State of Ohio approve of his sentiments as here enunciated. I have always thought that the distinguished gentleman—and I have always quietly given him a great deal of credit for it—went into the Republican party, with his national sentiments, for the purpose of breaking down its sectionalism and destroying its distinctive features. But his speech to-day ought not to go to the country, without some response from a Democratic member from his own State. This response I will endeavor to give, without premeditation or preparation.

Mr. Clerk, it seems to me proper, as the nominee presented by the Republican party for Speaker is a Republican from the State of Ohio, that the politics of the Republican party of that State, of which he is an exponent, should be discussed. I am ready to say here, that that nominee is personally as unexceptionable to the Democratic party of Ohio, as any man of the other side, unless it might be my friend who has just taken his seat, (Mr. CORWIN.)

My friend paid his respects to my district last year, and he there charged me with inconsistencies which are not quite so glaring as those which he has exhibited here to-day. But I give my acknowledgment to the gentleman, for the increased vote which the Democratic ticket received in that district, in consequence of the national speeches that he made there. A great many of the people of southern Ohio, a great many national men, and a great many Democrats, coincide, I must say, in the remarks of my colleague, (Mr. CORWIN;) but it is not true that what he has said embodies the principles of the Republican party. It is not true that he speaks for their organization in Ohio. It is not true that he speaks the sentiments of their platform. I will show you, that that organization is one subversive of the Constitution, one that strikes down the judges of the State for daring to sustain that Constitution, and that the men in that party who do not go along with the men who speak the abolition sentiment of the Western Reserve, are mercilessly slaughtered in Ohio. They have no controlling political status with their party.

I know, sir, that gentleman stand here upon this floor, representing Republican constituents, who, as Mr. Greely says, have only a slight varnish of Republicanism. Old Whigs go before the State conventions, make their speeches, and present their candidates—national men—but they always are overruled. The conventions are turned into slaughter-houses for national men, who still cling to the Republican party. How was it in respect to striking down the chief justice of our State, for daring to do his duty? I do not know whether the gentleman who aspires to be Speaker indorsed that movement in convention. I hope that he did not. I hope

that he belonged to that other wing, who sustained Judge Swan in his decision in favor of the constitutionality of the fugitive slave law. But the fact remains, and cannot be blotted out; and so long as Ohio politics are now made a national matter, and the endeavor is to give them a national tinge and color, I want the country to understand the lawless and orderless character of that organization. How did that question come up in the last campaign of our State? I will give you the facts in a few words.

A Kentuckian lost his slave, who had escaped into Ohio. The slave went to the neighborhood of the University of Oberlin. When he got there, he was aided and protected by that class of men, who think that their inward convictions should be the highest law of their action, irrespective of constitutional obligation. The owner of that slave found a warrant for his action in the Constitution and the laws passed in pursuance of it. He went to the United States commissioner for the process of recapture. He proceeded lawfully. It was found that he had a right to reclaim the fugitive and take him back to his service. After obtaining his writ at Columbus, with United States officers, he went up to the neighborhood of Oberlin. There the slave was arrested; and after the arrest, a party of persons—Plumb, Peck, and others of the crowd of disunionists who dishonor that part of Ohio—rescued him from the custody of the proper officers of the Government. The United States officers did not choose to lay under the particular odium of failing to perform their duty. They went to the United States court at Cleveland, and there had these Oberlin rescuers indicted. They were tried—these men who have, as they claim, the peculiar sanction of God Almighty to rise above law in this country. They were convicted. And what was the result?

Why, sir, a scheme was got up by the Republican party, as I will show you, to break down that conviction. They started the idea that the law was unconstitutional. They sent for Judge Spaulding, who is the fabricator of the Republican platform of 1856. He declared the fugitive slave law to be unconstitutional. It was urged that before punishment, the case should be taken before the supreme court. Down to the supreme court they went, black and white, lawyers and politicians, down to Columbus they hurried, to know whether the law was constitutional or not. You will bear in mind that there is a local sectionalism in the Republican party in Ohio, as there is a sectionalism in the Republican party outside of Ohio. We had five judges on our supreme bench. They were the tribunal to try the question. Three lived in the South and two in the North. Judge Swan, one of my constituents, lived in Columbus. "Now," said these gentlemen, "we will make these judges decide this law to be unconstitutional. Judge Swan's time is nearly out—how can we reach him? We will do it, by bringing this discussion before the supreme court. If he does not decide that law to be unconstitutional, and release these men who have been convicted, then we will put him to the political torture." Accordingly, the eleven counties of the Western Reserve, which give the Republicans their majority in the State, were appealed to; and I want it understood that out of three hundred and fifty thousand votes cast in our State, there are one hundred and seventy-one thousand two hundred and sixty-six good Democratic voters who have no approbation for law breaking and servile insurrection. (Applause upon the Democratic benches and in the galleries.) In that State we have a Democracy as firm as any which the Union can boast!

Well, sir, on this Western Reserve, which rules the Republican party in the State of Ohio, these men asserted that the United States officers ought to be hung as pirates, and they got together and formed a society

which they called "The Sons of Liberty." What more did they do? The gentleman who preceded me (Mr. CONWIN) told us about the Cleveland convention. I would like his attention, that we may get this matter right before the country. That convention was intended to intimidate Judge Swan. They held it, and passed resolutions for that purpose. When they came to that meeting, ten thousand strong, they marched through the streets of Cleveland with seditious banners and significant music. I saw a description of it in a Republican paper. First marched the Sons of Liberty, with Giddings at their head—Giddings, who had upon this floor announced himself in favor of a servile insurrection, as I will conclusively show, notwithstanding the disclaimer of his successor yesterday. They marched through the streets with banners, which were revolutionary against the Federal Government, and which bore emblems which found their out-crop at Harper's Ferry. One banner is noticeable. On one side of it is written :

Ashtabula.
Reguante Populo.

On the other :

Sons of Liberty, 1769.
Down with the Stamp Act!
1859.
Down with the Fugitive Act!

Not "repeal it," for they were not then in favor of that, and no Republican that I have ever known, has risen in his seat here and moved to repeal that law. And now, though committed to its repeal by their resolutions passed in convention, there is not one of them who get up here and move the repeal of that enactment. The very gentleman (Mr. CONWIN) upon the committee who reported the resolution to the convention, and who sustained the nominee placed upon the platform then laid down, will not vote, as he has told us, in favor of the repeal of that law. Yes, sir, it was "down with the fugitive slave law;" not to repeal it, but to crush it in the dust; and, as if to give significance to their talk upon this subject, they marched through the streets to the music of the old French revolutionary song—the Marseilles Hymn, that glorious inspiration of Democracy; that defiance, never hurled against constitutional liberty, till then; but against despotic kingcraft ever. I have understood that these "Sons of Liberty" and the students from Oberlin sung it in French. Now you know our friends from New England, who made up the Sons of Liberty, have a nasal twang peculiar to their singing, and the French language has the same nasal peculiarity, and when the two were combined, they produced the most thrilling effect in the streets of Cleveland. (Laughter.) *Aux armes citoyens! Formez battallions!* (Great laughter.) You can imagine how it sounded. They marched down ten thousand strong and appointed Giddings their chairman. Who is he? We have heard him in this Hall. We know who he is, and of what party are those who stood around him here to give him aid and comfort as he preached his disunion and sectional doctrines.

Yesterday, while the gentleman from Tennessee (Mr. NELSON) was addressing the House in one of his Union strains, in order to show up the disunionists, he quoted from the famous or infamous Giddings appeal in favor of servile insurrection, and of which the Harper's Ferry affair is the legitimate fruit. But the successor of Giddings arose and denied that that gentleman ever uttered such a sentiment upon this floor. And I have recently seen that the Journal of Commerce, of New York, has been compelled to take back that sentiment, in consequence of the denial of Mr.

Giddings. But that denial will not do. It is in the Congressional Globe, as the gentleman read it. It will be found on page 648 of the Congressional Globe of the first session of the Thirty-Third Congress; and I will have it read, that gentlemen may see where the seed was sown of which this servile insurrection at Harper's Ferry was the inevitable sequence.

Mr. PALMER. Will the gentleman yield a moment, that I may have read, in this connection, a resolution adopted—

Mr. COX. Wait until I get through. I know what that resolution is. Here is what Mr. Giddings said:

"Sir, I would intimidate no one; but I tell you there is a spirit in the North which will set at defiance all the low and unworthy machinations of this Executive, and of the minions of its power. When the contest shall come; when the thunder shall roll, and the lightning flash; when the slaves shall rise in the South; when, in imitation of the Cuban bondmen, the southern slaves of the South shall feel that they are men; when they feel the stirring emotions of immortality, and recognize the stirring truth that they are men, and entitled to the rights which God has bestowed upon them; when the slaves shall feel that, and when masters shall turn pale and tremble when their dwellings shall smoke, and dismay sit on each countenance, then, sir, I do not say 'we will laugh at your calamity, and mock when your fear cometh,' but I do say, when that time shall come, the lovers of our race will stand forth, and exert the legitimate powers of this Government for freedom. We shall then have constitutional power to act for the good of our country, and do justice to the slave. Then will we strike off the shackles from the limbs of the slaves. That will be a period when this Government will have power to act between slavery and freedom, and when it can make peace by giving freedom to the slaves. And let me tell you, Mr. Speaker, that that time hastens. It is rolling forward. The President is exerting a power that will hasten it, though not intended by him. I hail it as I do the approaching dawn of that political and moral millennium which I am well assured will come upon the world."

I would not have referred to this matter but for the denial of Mr. Giddings's successor.

Mr. HUTCHINS. If I mistake not, the extract read from the Globe is not the extract quoted by the gentleman from Tennessee yesterday. That extract is as follows:

"I look forward to the day when there shall be a servile insurrection in the South; when the black man, armed with British bayonets, and led on by British officers, shall assert his freedom, and wage a war of extermination against his master. And though we may not mock at their calamity, nor laugh when their fear cometh, yet we will hail it as the dawn of a political millennium."

Is that, word for word, what the gentleman has read?

Mr. COX. I do not know, nor care whether it was word for word, for I said yesterday that I had not compared it with the original. I said yesterday that the sentiment was the very same; but there it is, from the Globe, every whit as obnoxious.

Mr. HUTCHINS. That is another thing.

Mr. COX. Let me ask the gentleman if he endorses that sentiment?

Mr. HUTCHINS. I will say to the gentleman that, when the House is organized, and I can get the floor at the proper time, I will answer all questions which may be put to me; but I will not answer any now. (Hisses from the Democratic benches.) Will the gentleman allow me to ask him a question? (Cries of "Oh, no! that won't do!")

Mr. COX. I understand that my colleague was sent here as the successor of Mr. Giddings, because he was even yet more radical than was Giddings himself, who was compelled to stay at home, because, in an unguarded moment, he voted for the Montgomery-Crittenden bill, which permitted the people of a Territory to form a constitution recognizing slavery. How that may be, I know not; but in pursuance of my other statement, I will

refer to the Appendix of the Congressional Globe, of the same session, page 418, where there has been some modification of that sentiment of Mr. Giddings, but not such a modification, as to destroy the murderous force and seditious intent of the extract cited by the gentleman from Tennessee, (Mr. NELSON.)

What I want to show, particularly to my colleague, (Mr. CORWIN,) who does not differ from me so much on this subject, is that in the last campaign in Ohio, he was supporting a platform, entirely different from his sentiments here proclaimed. He aided a man placed upon that platform who had no affinity with his doctrines, in relation either to the fugitive slave law, or to the perpetuity of the Union, or to the sanctity of the constitutional compact.

Mr. CORWIN. Are not the doctrines I put forward to-day the same as those avowed in Ohio by Governor Dennison?

Mr. COX. I will answer. The gentleman sustained Governor Dennison. But mark you! at the same revolutionary meeting, Governor Dennison was present—

Mr. CORWIN. No, he was not.

Mr. COX. He was present, as I was about to say, by letter; more significant, because more premeditated, than by personal presence. And at that meeting, which was called for the purpose of breaking down the law and the Constitution, this letter from Governor Dennison, dated May 20, 1859, was read. I will read the concluding paragraphs:

"Let me express my ardent hope that the proceedings of your convention may be such as will permanently contribute to the advancement of the sacred principles of freedom, justice, and humanity, which have been so violently assailed by the imprisonment in your county jail of Plumb and Peck and their devoted colleagues, under the insulting provisions of the fugitive slave act."

What does that mean? My venerable friend here says—

Mr. CORWIN. Not venerable, if you please.

Mr. COX. Well, my young friend from Ohio, then—in the presence of the ladies, (Laughter)—my young friend from Ohio says that he supported Mr. Dennison, who was the embodiment of the principles of the party, and he sustained him in all his principles and all his conduct.

Mr. CORWIN. I ask if Governor Dennison did not, in all his speeches in Ohio, advance the same doctrines as I did?

Mr. COX. If Governor Dennison advanced the same doctrines as the gentleman, then he must have run counter to his own most deliberate written statement. He says, in effect—"You Plumb, and you Peck, and all your 'devoted colleagues' now in jail for breaking the law of the United States—you men who have rescued from the United States officers one properly in their charge; you who were guilty of breaking the law and the Constitution, you were engaged in the cause of liberty, humanity, and justice"—forsooth! And the gentleman says he sustained Mr. Dennison, and sustained the sentiments Dennison advocated. If he sustained him, he sustained for justice that which breaks down the courts; he sustained that for humanity and liberty, which will break down the Constitution, which under God is the best and most refined system of civil polity that God ever vouchsafed to man for civil government. (Great applause.)

Mr. ASHLEY. Did not the so-called Democratic party sustain Judge Ranney? And did not Ranney oppose the fugitive slave law?

Mr. COX. As to the last question—no, sir! Judge Ranney stood by the fugitive slave law, after it was enacted. Yes, and the old Whig party, too, in 1850, of which Dennison was a member, of which he was the presidential elector in 1852, approved in their platform, of the compromise measures,

including the fugitive slave law, as a finality on that subject. The gentleman near me, (Mr. BINGHAM,) I believe, then sustained the same measures. But last year, they were found in convention, voting against that finality. They regarded it as a dead letter. It was of no consequence any longer with reference to this Government. The comity between the States was nothing. They yielded to the "pressure" referred to by the gentleman, (Mr. CORWIN,) which came from the Reserve.

Mr. BINGHAM. I understand my colleague to make the remark that, in the year 1850, I approved of the fugitive slave act. I beg leave to say that my colleague has fallen unintentionally into a great mistake in reference to that. In 1850, according to my recollection, and I do not think I am mistaken, there was a convention in session in the city of Nashville which had for its avowed object the disruption and destruction of the American Union and Constitution. A convention was called in Cincinnati for the purpose of denouncing——

Several VOICES. That is not so.

Mr. COX. I ask you simply whether you sustained the fugitive slave law?

Mr. BINGHAM. I tell the gentleman that I did no such thing.

Mr. COX. I am satisfied with the gentleman's answer.

Mr. BINGHAM. But will the gentleman do me the justice to permit me to state what I did do?

Mr. COX. I ask you whether you did or not, at Cincinnati, at a Union meeting, make a speech sustaining the compromise measures of 1850, including the fugitive slave law?

Mr. BINGHAM. I did no such thing.

Mr. COX. Then, sir, you were wrongly reported in the city papers.

Mr. BINGHAM. And in the same city paper I am reported as dissenting openly and publicly in that speech to a resolution which declared that law constitutional; and I dissent from it to-day as I did then. The speech to which I refer was very imperfectly reported in the papers.

Mr. COX. Oh! that was it! Do you agree with my distinguished friend (Mr. CORWIN) in regard to its constitutionality?

Mr. BINGHAM. I do not agree with him or any other man as to its being constitutional.

Mr. COX. Then, where are we to find any harmony in the Republican party on this subject?

Mr. BINGHAM. I answer by saying, that you will find no such harmony in your own party.

Mr. COX. That is no answer, sir. Our distinguished friend (Mr. CORWIN) who spoke to-day, says that he is the embodiment of that party; and the gentleman here (Mr. BINGHAM) must be a rebel. Mr. Clerk, I do not understand where the head or the tail of the Republican party is. Is the gentleman (Mr. CORWIN) the head or the tail? (Great laughter.) I think of it, as the Irishman thought of the elephant—"there is sure a tail at both ends of the animal." (Great laughter.)

Now, I ask my distinguished friend, who is the candidate for Speaker, (Mr. SHERMAN,) whether or not he believes in the constitutionality of the fugitive slave law? I hope my friend will do me the courtesy to answer this question. It is a serious matter. It relates to one of the compromises of the Constitution; one of the sacred compacts, under which the Republic was organized, and without which it could not have been made and could not continue to exist.

Mr. SHERMAN. I decline, as I did the other day, to answer any interrogatories.

Mr. Cox. I did not hear my colleague.

Mr. SHERMAN. I will repeat it: I decline to answer the interrogatory of my colleague, as he knew I would; and I will state to him, and to gentlemen on the other side of the House, that I stand upon my public record. I do not expect the support of gentlemen on that side of the House, who have, for the last four years, been engaged in a series of measures—none of which I approve. I have no answers to give them. (Applause and hisses.)

Mr. Cox. I do not know what contest for the last four years, it is upon which the gentleman has so conspicuous a record. If it was in relation to slavery in the Territories, or the admission of new States, I do not think his record is so very definite upon that subject, that he can treat my question so cavalierly; for when the State of Oregon came here with a constitution which was free and made by the people—free, and made so by enough of them, where then, was the record of the present candidate for Speaker? Why, sir, when that vote was taken, or just before it was taken, when he had a chance to manifest his sympathy for freedom and in favor of the free State on the Pacific, which was knocking at the door for admission, how did he treat those noble Republicans who cry aloud for freedom in his State? Why, by going precipitately out of yonder door. (Roars of laughter and applause.)

Mr. SHERMAN. Did I understand my colleague to allude to me as evading a vote?

Mr. Cox. I saw the gentleman in the Hall before the vote was taken—but a few moments before.

Mr. SHERMAN. Upon what question?

Mr. Cox. The Oregon question.

Mr. SHERMAN. Mr. Clerk, allow me to say to my colleague—

MEMBERS on the Democratic side. Don't yield to him. He declines to answer questions.

Mr. Cox. I will hear my colleague.

Mr. SHERMAN. I will say to my colleague that I never evade a vote. Uniformly, upon all questions relating to the admission of Oregon, I voted against it. I was engaged at the time of the final vote on a special committee of this House, and I went down to the committee room with a gentleman on the other side.

Mr. Cox. And yet every other member of your committee was here to vote at the time the vote was taken! Mr. Clerk, the gentleman says he voted against the admission of Oregon in all its preliminary stages, but when it came to the cap-sheaf—when there was a fair opportunity of extending the last vote of welcome to the expected sister State—when there was a chance to put the apex upon the pyramid of freedom—he was not there!

Now, I only wish to expose to the country and to the House, the inconsistent, heterogeneous elements which make up this mosaic, called Republicanism in Ohio. What are they? Mr. Dennison, their candidate for Governor, as I have already said, was an old line Whig in 1850, was a General Scott elector in 1852, and sustained the platform of the Whig party, which said the fugitive slave law and the compromises of 1850 were a finality. He changed round this year; and, by the aid of the distinguished gentleman who last spoke, (Mr. CORWIN,) was made Governor of Ohio, by the votes of the Western Reserve men to whom he bowed in the dust. By the letter I have quoted, you will see that he changed all his notions as to the fugitive slave act and the compromises of 1850. He hailed the infraction of the Constitution as justice; he hailed the breaking of the law as liberty; he hailed the rescuing of the lawbreakers as humanity. And then

he went out to the people of Ohio and undertook to say, in his speeches to one portion of our people, that he was an old line Whig, and in another portion he sang the Marseilles Hymn with these Oberlin gentlemen. Now, I propose to read the rest of his letter. I wish to show who was the candidate sustained by these national Republicans from Ohio, including the gentleman, (Mr. CORWIN.) He said further:

"And that in the contest between the antagonisms of freedom and slavery, ["the irrepressible conflict," you see,] forced upon us by the southern oligarchy and its northern allies, we may at all times prove ourselves worthy descendants of the heroic founders of the Republic, who declared one of the great purposes of the Federal Constitution to be the securing to themselves and their posterity 'the blessings of liberty.'"

"Accept the assurance of my sincere regard personally, and my uncompromising hostility to slavery and despotism in every form."

Well now, sir, what further took place at the meeting to which this letter was addressed? Why, I will tell you. Mr. Giddings, whose sentiments were the natural antecedents and causes of the Harper's Ferry affair, dismissed that convention of ten thousand with a benediction. Their leaders came down to the city of Columbus, black and white, to find out whether or not the supreme court would decide adversely to the constitutionality of the fugitive slave law. They thought they had it all right. Judge Swan's time was nearly out. They thought they would hold this Abolition rod from Cleveland over him. But, before I go further upon this point, allow me to say that Governor Chase was at that meeting in Cleveland, but he did not counsel exactly as my distinguished friend (Mr. CORWIN) has said he did. He did not counsel them to fight this matter at the ballot-box altogether. He got up in that meeting of disorganizers and revolutionists with their Marseilles Hymn, and their cries and shrieks of "down with the fugitive slave law!" and he laid his hand upon his heart, or that particular part of his anatomy where his heart is supposed to reside, (applause and hisses,) and he said:

"Some of the most respected citizens of the State, whom he had known for years, had done what they believed to be right, and which not one man in ten thousand would look up into the blue sky, with his hand on his heart, and say was not right."

He added these significant words:

"This case has been brought before the courts of the State, and they are bound to carry out their duty under such a view of it. If the process for the release of any prisoner should issue from the courts of the State, he was free to say that so long as Ohio was a sovereign State, that process should be executed."

He promised that if the supreme court of Ohio, at Columbus, should decide that law to be unconstitutional, as he thought it was unconstitutional, that for one, as chief magistrate and commander-in-chief of the forces of our State, he would see that that nullification was made effective, even to the shedding of the blood of our citizens. (Laughter from the Republican side.) Yes, sir, let them laugh over it. It is nevertheless true, that they came down to Columbus, with some of your Harper's Ferry cut-throats among them, to break down the laws of the United States, armed with pistols and knives—black men and white men—to despoil the State of Ohio of its fair reputation as one of the faithful States of this Confederacy.

Well, it so happened that they reckoned without their host. Judge Swan delivered the opinion of the majority of the court. Though he had been a Republican, and had received eighty thousand majority on their ticket in 1854, he held that for sixty years, the law of 1793 had been upon the statute book, acquiesced in and sustained. He held that the law of 1850, amending it, had been, by the same authority, sustained by the supreme courts of Massachusetts, of Rhode Island, of Pennsylvania, of In-

diana, and of California, and by the supreme court of Ohio on the circuit; and that the Wisconsin case, if properly examined, was no exception to the general rule, which decided that the act of 1793 and its amendment of 1850 were constitutional acts. Here is the exact language:

"Whatever differences of opinion may now exist in the public mind, as to the powers of Congress to punish rescuers, as provided in the acts of 1793 and 1850, no such vital blow is given either to constitutional rights or State sovereignty by Congress thus enacting a law to punish a violation of the Constitution of the United States as to demand of this court the organization of resistance. If, after more than sixty years of acquiescence by all departments of the national and State governments, in the power of Congress to provide for the punishment of rescuers of escaped slaves, that power is to be disregarded, and all laws which may be passed by Congress on this subject from henceforth are to be persistently resisted and nullified, the work of revolution should not be begun by the conservators of the public peace."

And, as a fit and eloquent climax to his decision, he used this expression:

"As a citizen, I would not deliberately violate the Constitution or the law by interference with fugitives from service. But if a weary, frightened slave should appeal to me to protect him from his pursuers, it is possible I might momentarily forget my allegiance to the law and Constitution, and give him a covert from those who were on his track; there are no doubt many slaveholders who would thus follow the instincts of human sympathy. And if I did it, and was prosecuted, condemned, and imprisoned, and brought by my counsel before this tribunal on a *habeas corpus*, and was then permitted to pronounce judgment in my own case, I trust I should have the moral courage to say, before God and the country, as I am now compelled to say, under the solemn duties of a judge, bound by my official oath to sustain the supremacy of the Constitution and the law: 'The prisoner must be remanded.'"

That was the decision of our best judge in Ohio, our chief justice. He was a man, Mr. Clerk, of spotless integrity of character—a man who held the balance of justice equipoised between high and low, rich and poor. He was learned, impartial, and decisive for the right. In all respects he was an upright judge. And for deciding thus, mark you; for being an impediment in the way of the ambition of our Republican Governor; for refusing to aid these higher-law fanatics of the Reserve; for refusing to serve under Joshua R. Giddings and his crew of the North, who counseled that the United States officers should be shot down as pirates—for doing that, the Republican convention struck his name from the roll of judges as unfit to wear the ermine! He was not pliant to the purposes of higher-law fanaticism! And my colleague (Mr. CORWIN) sustained the convention in this lawless and orderless proceeding. I know that in the campaign which followed he preached strong and well against these disorganizers.

But I never could understand why he took the Republican stand-point he did, from which to hurl his thunders against the lawless and orderless miscreants of our State. There was one party where he might have done it with consistency.

When the Republican convention voted, as he confesses they did, and voted unanimously, that the fugitive slave law was "subversive of both the rights of the States and the liberties of the people, and as contrary to the plainest duties of humanity and justice, and abhorrent to the moral sense of the civilized world," and when they demanded its repeal, where, I submit to him, does it place him before the country? He admitted, in reply to my question, that as one of Mr. Fillmore's Cabinet, he approved of that law; he thinks it constitutional; he will not repeal it. Yet he contented himself with voting against it in committee. He allowed it to pass the convention without dissent. He supported the candidates who were associated with its most solemn declaration, and who accepted nominations from the same convention. And yet, further, he went forth to battle in the State *against* the very platform and *for* the very candidates thus placed before the people! Am I not right, then, in saying that there was no other

mode by which he could be consistent and national, except by coming over to the Democratic organization, and fighting with them for the integrity of the laws and of the Constitution?

That there may be no mistake, let me refer to the resolution of the Republicans of Ohio:

"Resolved, That, proclaiming our determination rigidly to respect the constitutional obligations imposed upon the State by the Federal compact, we maintain the union of the States, the rights of the States, and the liberties of the people; and, in order to attain these important ends, we demand the repeal of the fugitive slave act of 1850, as it is subversive of both the rights of the States and the liberties of the people, and as contrary to the plainest duties of humanity and justice, and abhorrent to the moral sense of the civilized world."

Now, what explanation does the gentleman give us of this remarkable resolution? He tells us, that there was a clause in it, when before the committee, "that the fugitive slave law was unconstitutional," and that it was stricken out before reported. Ay, sir, that was the trade that was made in the committee. After striking that out, to please the weaker wing—then to please the dominant abolition wing—they go right into the convention and strike down the man who had decided it to be constitutional. Is not this a much more emphatic condemnation of that law as unconstitutional, than any resolution? If I had time, I could weary the House with the evidence from Republican journals and leaders, showing that Judge Swan was thus immolated, and because of that very decision. The selection of his competitor, Judge Gholson, was not from convenience of locality. It was because he was recommended as a practical Abolitionist, who had freed his slaves in Mississippi. But it turned out, as might have been expected, that he *sold* his slaves, pocketed the money, and came to Ohio to play a conspicuous part for the anti-slavery party!

Well, Mr. Clerk, I might pursue this matter further. I have heard my friend here (Mr. CORWIN) make appeals to the patriotic, the order-loving, the law-abiding people of our State and of my own city. The very night after the convention was held, I heard him make a speech in Columbus. I happened to be in the audience among some of the gentlemen from the Reserve while he was speaking, and many of them thought—and gave expression to their thoughts—that he was making a Democratic speech. (Much laughter.) I heard a gentleman in my neighborhood say, that he believed the pro-slavery men had "yanked Governor Corwin right round" on this question, and that "his speech was no better (for they sometimes do swear out there) than one of your d——d Locofoco speeches." (Roars of laughter.)

Now, Mr. Clerk, you see the position of this Ohio Republican party. I venture the assertion that if we could poll the members of the Ohio delegation on the other side of the House, we should find them, perhaps, equally divided on this momentous question on which the Union of the States is founded, and without which it never could have been made. I think that perhaps my friend on the right (Mr. CORWIN) would be in a minority, if he were to poll the delegation. He shakes his head. How do you think it stands? You have how many members?

Mr. VALLANDIGHAM. Fifteen.

Mr. COX. You have fifteen members of the delegation. Did you ever poll them? No? You do not know how they stand upon this question? Well, my impression is that you are in a minority, and if you do want to hold a class-meeting some time, as you said, and will call in your Democratic brethren, we will take the *sense* or the census of the meeting. (Great laughter.)

I was gratified, Mr. Clerk, to hear our friend here give us a little dialectics

on the subject of the higher law. I would have been glad if it had been delivered in Ohio—in Cleveland—before the Harper's Ferry foray took place, and before the infamous disunion meeting there the other day. Perhaps he did deliver it. I know he did deliver some portions of it. But Mr. Wendell Phillips, whom he denounces here so eloquently, is, as I claim, in his logic and in his philosophy, the very exponent of the Republican theory and doctrine; and I will show you how I will prove it. He holds to the idea of individual sovereignty.

A MEMBER. Squatter sovereignty?

Mr. Cox. No, sir; not squatter sovereignty, nor territorial sovereignty, nor congressional sovereignty. He opposes congressional sovereignty, as Republicans oppose it, unless it *prohibits* slavery. He opposes popular sovereignty all the time, as Republicans do; and I will show you wherein he agrees with the Republican party in its philosophy. He says that there can be no civil society unless every individual member of it bows to its authority. He says that Governor Wise had no more right to hang John Brown than John Brown had to hang Governor Wise. In his opinion, the State of Virginia is no more than a piratical crew. He says that there can be no majority, no minority. Anything which comes into opposition with his convictions must go down or go up with those convictions, not excepting even the Constitution and laws of the country. Herein he is in harmony with the dominant segment of the Republican party.

I will go one step further. That is the doctrine of the New York Tribune, and of Governor Chase, applied to the Territories. My distinguished friend (Mr. CORWIN) shakes his head. I will tell him where he will find it. He will find it in his message of January, 1856, where he says that the right of property in man cannot be created by any civil government; that there is no power in any organized community to create the relation of master and slave; that no majority in a Territory, while such, or when it frames a State constitution, can create the relation of master and slave. He would hold that each individual has the right for himself to decide all these questions pertaining to personal liberty, any law to the contrary notwithstanding. Is not this the Republican doctrine? Hence Governor Chase is logical when he says, that Congress may prohibit slavery, but that it has no power to establish it. He would be logical, if he said, that the people of a Territory, by a majority, might prohibit slavery, but have no power to establish it. That is the legitimate consequence of this individual sovereignty preached by your Wendell Phillipses. If it has not been avowed by my honorable friend, at least he has indorsed the indorser of it. He says: "Never!"

Why, in Columbus one year ago—I have the paper here—you paid your attention to my district. There you shook hands with Governor Chase, on Goodale Park platform—did you not? You said that you had voted for him, and had stood by him. Do you not remember how facetiously you remarked on your own countenance? You furnished your complexion to the party, and he the colored principle. (Great laughter.) I remember. Don't you remember how cordially you embraced? You shake your head again. Pardon me. I do not mean a bodily embrace—no, by no manner of means; but you had a most affectionate political hug before the people of Ohio! (Renewed laughter.) What, then, did the gentleman indorse in Governor Chase? He indorsed the individual sovereignty of Wendell Phillips, as applied by Governor Chase to civil society and the institution of slavery in the Territories. It is the same doctrine that these fanatics have. They have a great family of isms. You can tell them all by their hereditary marks of insanity. (Laughter.)

Read in the Tribune the enunciation of free-love doctrines. Stephen Pearl Andrews comes out—and mark how his logic suits Mr. Wendell Phillips, Governor Chase, and the whole Republican party. Stephen Pearl Andrews says that he is for individual sovereignty, not in reference to slavery in the Territories, but in reference to—to—the affectional nature. (Laughter.) He is opposed to any affinity with any man or woman who does not come up square to the idea of free-love, unrestrained by the marriage relation or civil authority. He says—“What! Bring your law to bear upon me; enact that I shall live in a state of marriage under the civil law, against my passional attractions. What! Compel my sister to keep, with her old husband, against her will! No, I am for liberty, God and liberty!”—which means the Devil and free lust. So they go on, and so these individual sovereigns run through the catalogue. They are all tied together by the same string of isms which our friend here has so eloquently and inconsistently denounced.

Now, Mr. Clerk, the time for the Republican party to have denounced these dangerous doctrines, was not after the Harper's Ferry affair had occasioned so much dissatisfaction, anxiety, apprehension and dismay in the South. The time to have denounced them was, when Mr. Giddings made his speech here in favor of servile insurrection. The time to have denounced them was, when Helper came along with his bad book; when Governor SEWARD said, that there was a higher law than the Constitution which required the extermination of slavery, and “that you and I must do it.” Then was the time for denunciation, and not after old Brown, wrought upon by the everlasting rub-a-dub of the abolition drum, got together his recruits, crept into the valley of the Blue Ridge, collected his \$10,000 worth of rifles and pikes, and in the night, when no premonition had been given, when all was hushed—

Mr. MILES. On Sabbath.

Mr. Cox. Yes, sir; when there was no sound to disturb the quiet but the church-going bell—took possession of an armory with one hundred thousand stand of arms, imprisoned inoffensive citizens, and slayed others. Why did you not denounce these doctrines in the bud? Why did you not stop the bloody instructions of which this was the fruit? Why were they not denounced from the pulpit, forum, and rostrum? Why not denounced from these seats in Congress? You come up at this late day and say, “Oh! we do not approve of this thing. The people of the free States do not approve of it.” Neither do they.

My friend (Mr. CORWIN) was right when he said that the people of Ohio, outside of the Western Reserve, are not in favor of insurrection and dissolution. I think that the Reserve ought to be cut off and slid over to Canada, for which it has more affinity than for the United States. (Laughter.)

Mr. HUTCHINS. Why, then, cut off a part of the Union?

Mr. Cox. I am sure that our people would be glad to exchange those counties of the Western Reserve for Cuba with cheap sugar and molasses. (Great applause and laughter.) My friend (Mr. CORWIN) is a correct exponent of the sentiment in Ohio with reference to this insurrection. I am glad he has referred to it in the way he has. I will add my testimony—feeble as it is—to the testimony of the gentleman, to convince the South, that these marauders and murderers have no sympathy from the mass of the people of that State, from which most of them seem to have come, and within whose borders they concocted their fell designs.

It is due to the gentlemen of the South who have shown so much interest, anxiety, and apprehension on this subject, to say that at least one hundred and seventy-one thousand two hundred and sixty-six Democratic

voters of Ohio put their seal of disapprobation on all the men connected either by sentiment or act with this matter. (Applause in the galleries.) That was the vote last year and if it were properly represented in this Hall, instead of six Democratic members only, we would now have ten. From the sentiment of this year, four of these Republican gentlemen yonder, would be compelled to bid adieu to this scene of congressional life.

But the distinguished gentleman who preceded me (Mr. CORWIX) says, and says truly, that there is no sentiment in the southern part of our State—at least in that part of the State which he and I represent, which would not disapprove, *in toto*, of the men who have preached and acted out this servile insurrection. There is no sentiment in that part of Ohio which does not at once and forever protest against that horrible specter of history—a servile insurrection. I may go further and do justice to the Republican vote of Ohio this year. It was one hundred and eighty-four thousand five hundred and two. More than half of that number, sir, in my judgment, thoroughly condemn this raid upon Virginia. While I admit the sentiment is different in the Reserve and at Cleveland; while I admit that the noisy leaders and blatant journalists who undertake to manage and do control the Republican party in its platform and candidates, are not blessed with the same genuine spirit—I freely and willingly bear my testimony to the public execration which in Ohio has followed the insurgents at Harper's Ferry, and which will consume their aiders and abettors. Let me go further.

When you come to the great Northwest you find one million one hundred and sixty-two thousand voters in her seven States. This is a hundred thousand more than all the votes in the South, one-third of the whole Union, and three times as many as New England. I believe, sir, that more than one-half of these votes will be cast in 1860 for the Democratic party, for the rights of the States and the permanence of Federal concord. You will find those voters warm in favor of the Union and of the Constitution, which is the only ligament which holds that Union together. You will find this attachment not merely in our party, but among the very men who voted for my friend (Mr. CORWIX) and many of the Republicans upon this floor. Look to the great Northwest, and to its power as it is now, and as it will be! She has a lake and river tonnage of four hundred thousand tons, and five thousand miles of river and lake coast. She has, and must have ever, the Mississippi river as her outlet. Has she nothing at stake? She will be able to protect herself and the Union besides. In 1860 she will have as many Representatives upon this floor, as the whole South will then have, and three members to one from New England. You will find in her a conservative element which will say to the North, with its extremists, and to the South, with its extremists, "thus far shalt thou go, and no further; here shall the waves of disunion be stayed!" You will find in the Northwest a conservative element, which, if we have, as we shall have, the Cincinnati platform unaltered, will rise up to the support of the Democratic party, as the only safe repository of that constitutional power by which this Government is to be carried on.

It is said by men of science, that the least disturbance of the law of gravitation in the universe will disturb not only the stars in their courses, but that it will change the position of the lightest flower upon the face of the earth. So it is with respect to that political gravitation by which the States are held in their spheres as they revolve around the Federal center. Not only will the disturbance of our political gravitation, in the least particular, whether by resistance to law or by riotous insurrection, disturb the relation of the various States, but it will disturb that concord of feeling



0 011 898 336 1

in each individual citizen—which the Constitution and fraternity of feeling that Corwin straw—a rope of sand. There is not and will not listen to a dis-

ism—without
ed. Without
mere wisp of
st which can-

I regret to hear upon this side of the Chamber the dissolution of the Union spoken of as a contingency. I wish to say in behalf of the national Democrats of Ohio, that with them, there is no such word as that rung in our ears by southern gentlemen—"dissolution of the Union *per se*." We know no dissolution *per se*. We have no dead or living language to phrase such sentiments. We are for the Constitution and for the Union. We have no language to express anything with respect to breaking those ties, so eloquently depicted by my friend, (Mr. CORWIN,) which bind us together. Those ties are as old as the Constitution. I am prepared, as the gentleman from New York (Mr. JOHN COCHRANE) said the other day, to sail over many a stormy sea in the protection of that Union and of that Constitution. If I have read aright the history of its formation, its framers had troubles and trials far more vexatious and arduous than those we have undergone in preserving it.

It was as long as from March to September, 1787, before they could agree upon an instrument, and before it could go out to the States for their ratification. They quarreled about the slave trade; they quarreled about the three-fifths representation of slaves in making up this body; they quarrelled on a hundred mooted issues, and it was not until such patriotic appeals were made, as we have heard here by gentlemen upon this side of the Chamber, that they could come together and agree upon this common Constitution. Too many of their descendants are too quick to listen to the cry of disunion. We of the Northwest have no affinity with any one who utters that cry, whether from the North or South; whether it comes *per se* or *per* anything else.

I remember an incident that occurred in the late Sepoy rebellion in India—a servile insurrection—which might have found more than its counterpart, if the late affair at Harper's Ferry had been consummated as it was designed. You remember that Lucknow was besieged for months, by those fiends in human shape, who did what Brown would have had the negroes of Virginia do. Death stared the beleaguered garrison in the face. The engineers even gave up hope. A day, and all would be lost! A fever-stricken Scotch lassie, overcome with fatigue, lay upon the ground, wrapped in her plaid and wrapped in slumber. Suddenly she gave a cry of joy. Her delirium passed away. She exclaimed: "Dinna ye not hear it? Dinna ye not hear it? Ay, I am no dreamin'. It's the slogan of the Highlanders. We're saved! We're saved!" The young girl had a keen ear for her national music. She was from the Highlands—the home of the MacGregors and the Douglas! The duller ear of the Lowlands did not catch the inspiring strain. I think, sir, I may be pardoned for saying that we of the Northwest have a keener sense, a quicker ear for the music of the Union. Through the noise of strife, the clangor of arms, and the cannonade of insurrection, and while other sections have dulled their sense by too frequent allusions and reflections upon disunion, there remains in the Northwest the ready love, the unselfish devotion, the intelligent fidelity, and the patriotic zeal which is quick to hail the music of the Union as the harbinger of our safety and repose! (Applause from the galleries.)

LIBRARY OF CONGRESS



0 011 898 336 1

